

**TENTATIVE RULINGS**

**CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 8/03/09 Monday Dept: 1A**

**(Posted 7/30/09)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

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1. **1:00 PM** Case: CF8402 [M] WELLS FARGO BANK v DADE  
Type: COLLECTIONS Date Filed: 01/08/09  
Priority Info: RULE 3.740  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: WELLS FARGO BANK NA ATTY: CLARK, LAW OFFICE OF RORY W.  
DEFNDT: DADE, MARGARET MARY

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 11/2/09.

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2. **1:00 PM** Case: CF8404 [M] GCFS INC v TICINETO  
Type: COLLECTIONS Date Filed: 01/09/09  
Priority Info: RULE 3.740  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: GCFS INC ATTY: LEGAL DEPARTMENT OF GCFS INC.  
DEFNDT: TICINETO, CARLO A

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 11/2/09.

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3. **1:00 PM** Case: CF8505 [M] CAPITAL ONE BANK v GERLITZ  
Type: COLLECTIONS Date Filed: 03/16/09  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: CAPITAL ONE BANK USA NA ATTY: CIR LAW OFFICES  
DEFNDT: GERLITZ, DANA M ATTY: HASTINGS, CHARLES L. ESQ  
Service Date/Type: 05/31/09 PER Answer Date: 06/29/09

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

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4. 1:00 PM Case: CF8513 [M] IONICS FIDELITY PURE v VERA  
Type: COLLECTIONS Date Filed: 03/25/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PLNTFF: IONICS FIDELITY PUREWATER ATTY: BOOSKA, STEVEN A ESQ  
DEFNDT: VERA, SHELLY ATTY: IN PRO PER  
Service Date/Type: 04/16/09 SUB Answer Date: 05/12/09  
DEFNDT: VERA, JOEL ATTY: IN PRO PER  
Service Date/Type: 04/11/09 PER Answer Date: 05/12/09

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

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5. 1:00 PM Case: CF8616 [M] STATE FARM v DRAGOMANOVICH  
Type: SUBROGATION Date Filed: 05/14/09  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*  
10/05/09 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: STATE FARM MUTUAL AUTOMOBILE INSU ATTY: PARKS, JEFFREY W ESQ  
DEFNDT: DRAGOMANOVICH, GLENN  
Service Date/Type: 07/10/09 PER 00/00/00  
DEFNDT: STATE OF CALIFORNIA DEPARTMENT OF

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

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6. 1:00 PM Case: CV33325 [S] THE TOYON PROJECT v NEITH  
Type: PRELIMINARY INJUNCTION Date Filed: 01/04/07  
Priority Info: CF7249 CLOSED 170.6 DVM  
Event: PRETRIAL/TRIAL SETTING ON TOYON PROJECTS  
OSC RE CONTEMPT; CITEE: FRANK NEITH

PLF/XD: TOYON PROJECT LLC CA LMTD LIABILI ATTY: AIROLA & AIROLA  
X/COMP: NEITH FAMILY TRUST ATTY: REEVE, BOB ESQ  
DEF/XC: NEITH, DONALD A. ATTY: REEVE, BOB ESQ  
Service Date/Type: 02/15/07 PRS Answer Date: 05/15/07  
DEF/XC: NEITH, FRANK ATTY: WEISBERG, MICHAEL ESQ  
Service Date/Type: 02/15/07 PRS Answer Date: 05/15/07  
DEF/XC: NEITH, FRANCES M. ATTY: REEVE, BOB ESQ  
Service Date/Type: 00/00/00 Answer Date: 05/15/07  
X-DEFT SMITH, TERRY ATTY: AIROLA & AIROLA

Tentative Ruling: These are post judgment proceedings. The contempt is set for Trial in Dept. 1 approximately 60 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

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7. 1:00 PM Case: CV34858 [S] EVERETT v COUNTY OF CALAVERAS  
Type: P.I. MOTOR VEHICLE Date Filed: 07/09/08  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PLNTFF: EVERETT, KARLA ATTY: MAYALL HURLEY KNUTSEN SMITH &  
PLF/XD: EVERETT, AUBREY ATTY: MAYALL HURLEY KNUTSEN SMITH &  
ASSOC: FIELD & SANDERS  
GDN/AL: BOCK, MARSHA ATTY: MAYALL HURLEY KNUTSEN SMITH &  
DEFNDT: KAY, MITCHELL ATTY: RUSHFORD & BONOTTO LLP  
Service Date/Type: 00/00/00 Answer Date: 05/14/09  
DEF/XC: COUNTY OF CALAVERAS ATTY: MCNAMARA DODGE NEY BEATTY SLA  
Service Date/Type: 07/29/08 PER Answer Date: 08/28/08  
DF/X-D: TRAFFIC LIMITED ATTY: RUSHFORD & BONOTTO LLP  
Service Date/Type: 00/00/00 Answer Date: 05/14/09  
AKA: TRAFFIC LIMITED INC

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 1/4/10.

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8. 1:00 PM Case: CV35577 [S] MACMILLAN v CENTRAL CALAVERAS FIR  
Type: WRONGFUL TERMINATION Date Filed: 03/24/09  
Event: CASE MANAGEMENT CONFERENCE-CIVIL  
Event: CONTINUED OSC RE: FILING COMPLIANCE  
08/11/09 10:00 1 DEFENDANTS' MOTION TO STRIKE

PLNTFF: MACMILLAN, JOHN F ATTY: AXELROD, DAVID L ESQ  
DEFNDT: CENTRAL CALAVERAS FIRE & RESCUE P  
AKA: CCFRPD  
DEFNDT: MEMBERS OF THE CCFRPD BOARD OF DI  
DEFNDT: SCHMIETT, WILLIAM

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 11/2/09.

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9. 1:00 PM Case: PR7082 [S] ESTATE OF KASSIK  
Type: TRUST - TESTAMENTARY Date Filed: 05/29/09  
Event: PETN FOR BREACH OF TRUST; REMOVAL OF  
TRUSTEE; ACCTG; TRANSFER OF TRUST TO  
PETITIONER AS SUCCESSOR TRUSTEE

PETNR: KASSIK, DAVID E. ATTY: GRATHWOHL RAUCH & COHEN PC  
TRSTEE: KASSIK, FRANK EDWARD ATTY: WHALEY, LAW OFFICE OF RANDY C  
ASSOC: DE CASTRO & MAYER  
RESP: KASSIK, FRANK EDWARD ATTY: WHALEY, LAW OFFICE OF RANDY C  
ASSOC: DE CASTRO & MAYER  
RP/INT: ESTATE OF DEANNE GRACE KASSIK

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 60 days out and for Trial in Dept. 1 approximately 90 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 2 day court trial.

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10. 1:30 PM Case: CV33079 [S] LEONARD v TANGE  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/16/06  
Event: READINESS CONFERENCE - REMAINING ISSUES  
08/26/09 9:00 1 COURT TRIAL - REMAINING ISSUES  
12/01/09 0:00 2 TICKLER TO DOREEN RE: RETURN DOCUMENTS  
SUBMITTED VIA SUBPOENA DUCES TECUM TO  
THE PROVIDING PARTY  
12/01/09 0:00 2 TICKLER TO DOREEN RE: DESTROY EXHIBITS

Related cases NOT on this calendar: CV33994 ,  
PETNR: LEONARD, MICHAEL ATTY: SALAZAR, ANTHONY T. ESQ  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
RESP: TANGE, DEBRA ANN ATTY: MARSHALL & MARSHALL  
Service Date/Type: 10/20/06 PRS Answer Date: 11/08/06

Tentative Ruling: The pending trial is confirmed. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/2/09.

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11. 1:30 PM Case: CV33416 [S] FARMER v FARMER  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/07/07  
At-Issue Date: 00/00/00 Trial: 07/01/09 COURT TRIAL - LONG CAUSE  
Priority Info: STATUS ONLY, MSE 3/6/09  
Event: FURTHER CASE MANAGEMENT CONF-RE JUDGMENT  
08/26/09 0:00 1 COURT TRIAL ON REMAINING ISSUES OF  
CUSTODY & VISITATION  
HON. JOHN E. MARTIN

Related cases NOT on this calendar: CV33918 , CV33665 , SC5942 ,  
PETNR: FARMER, STEPHANIE A ATTY: GEE, DOUGLAS M. ESQ  
RESP: FARMER, GLEN D JR ATTY: SEATON, JEFFREY D. ESQ  
Service Date/Type: 02/13/07 PRS Answer Date: 02/07/07

Tentative Ruling: The pending trial is confirmed. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/2/09.

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12. 1:30 PM Case: CV33590 [S] FOLEY v FOLEY  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 04/04/07  
Priority Info: LEAD W/CV33580; MSE 10/06/07  
Event: FURTHER CASE MANAGEMENT CONF-REMAINING  
ISSUES

Related cases NOT on this calendar: CV33580 ,  
PETNR: FOLEY, AMY ELIZABETH ATTY: HALLUM, KENNETH M. ESQ.  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
RESP: FOLEY, MARK THOMAS ATTY: IN PRO PER  
Service Date/Type: 04/05/07 PER Answer Date: 05/02/07  
CLAMNT: WESTERN CONFERENCE OF TEAMSTERS P  
Service Date/Type: 02/13/08 NAR 00/00/00

Tentative Ruling: The matter is settled. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/2/09.

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13. 1:30 PM Case: CV33702 [S] KAUTZ v KAUTZ  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/10/07  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: KAUTZ, STEPHEN ATTY: LANE DUNCAN & LAMBERTSON  
RESP: KAUTZ, LORI ATTY: MCKINLEY, JOHN H. ESQ  
Service Date/Type: 06/01/07 PER Answer Date: 02/01/08

Tentative Ruling: There are temporary orders. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/2/09.

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14. 1:30 PM Case: CV34090 [S] FELICIANO v SHUMACHER  
Type: ESTABLISH PARENTAL RELATION Date Filed: 09/21/07  
Priority Info: CONFIDENTIAL FILE  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: FELICIANO, MEAGAN ATTY: IN PRO PER  
RESP: SHUMACHER, ROBERT

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear. Failure to appear will result in dismissal of the action.

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15. 1:30 PM Case: CV35005 [S] PICARD v PICARD  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/19/08  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: PICARD, KLAR KRISTAN ATTY: IN PRO PER  
RESP: PICARD, JUSTIN  
Service Date/Type: 09/04/08 NAR 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 11/2/09.

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16. 1:30 PM Case: CV35077 [S] SULLIVAN v KNOX  
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 09/17/08  
Priority Info: CONFIDENTIAL  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV35067 , CV35199 ,  
PETNR: SULLIVAN, BRITTANY L. ATTY: IN PRO PER  
RESP: KNOX, JOSEPH J. ATTY: IN PRO PER

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear. The court intends to enter judgment on the prior orders at the hearing.

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17. 1:30 PM Case: CV35579 [S] GRACE v GRACE  
Type: LEGAL SEPARATION WITHOUT MINOR Date Filed: 03/26/09  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: GRACE, GARY ATTY: IN PRO PER  
RESP: GRACE, MITZI

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/2/09.

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18. **2:00 PM** Case: CV32997 [S] KLASS v KLASS  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/18/06  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: KLASS, NANNETTE ATTY: IN PRO PER  
RESP: KLASS, RONALD "RIVER" ATTY: IN PRO PER  
Service Date/Type: 10/13/06 PER Answer Date: 10/10/07

Tentative Ruling: This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). If no MSA is approved by the court prior to the next hearing, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/2/09.

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19. **2:00 PM** Case: CV33839 [S] ROBINSON-STOKES v STOKES  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/27/07  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: ROBINSON-STOKES, LEAH M ATTY: IN PRO PER  
RESP: STOKES, DANIEL J ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 10/11/07

Tentative Ruling: There are temporary custody and support orders. Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 11/2/09.

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20. **2:30 PM** Case: CV33440 [S] PRATT v PRATT  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/15/07  
Event: SETTLEMENT CONFERENCE/TRIAL SETTING  
08/30/09 0:00 9 TICKLER RE: CLETS ORDER EXPIRES 8-30-09

Related cases NOT on this calendar: CV33967 ,  
PETNR: PRATT, JESSICA ATTY: IN PRO PER  
NKA: FOLEY, JESSICA  
RESP: PRATT, WILLIAM ATTY: HAKEEM ELLIS & MARENGO  
Service Date/Type: 02/20/07 PER Answer Date: 03/19/07

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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21. 2:30 PM Case: CV34754 [S] BAKER v BAKER  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 05/30/08  
Event: CONTINUED SETTLEMENT AND TRIAL SETTING  
CONFERENCE; RESPONDENT'S PRESENCE WAIVED  
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: BAKER, CLAYTON R ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
RESP: BAKER, DENISE L ATTY: AIROLA & AIROLA  
Service Date/Type: 06/16/08 PER Answer Date: 06/30/08  
CLAMNT: CALPERS

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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22. 2:30 PM Case: CV35187 [S] GAGETTA v GAGETTA  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 10/23/08  
Event: CONTINUED SETTLEMENT AND TRIAL SETTING  
CONFERENCE  
GRANT V. BARRETT, JUDGE PRO TEM

PETNR: GAGETTA, LAUNA LEE ATTY: AIROLA & AIROLA  
RESP: GAGETTA, DAVID JOHN ATTY: MOORE, ROBERT G. ESQ  
Service Date/Type: 10/27/08 PER Answer Date: 11/05/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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23. 2:30 PM Case: CV35573 [S] WILLIS v WILLIS  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/23/09  
Event: FURTHER SETTLEMENT CONF/TRIAL SETTING RE  
CUSTODY & VISITATION  
CASE MANAGEMENT CONF-REMAINING ISSUES

Related cases NOT on this calendar: CV35590 , C13958 , CV35846 ,  
PETNR: WILLIS JR, JOHN S ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
MINOR: WILLIS MINORS P.D.: KEENE (P.D.), PATRICK M ESQ  
RESP: WILLIS, SUSAN M ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 04/23/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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24. **3:30 PM** Case: CV34427 [S] COUNTY OF CALAVERAS v BENITES  
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 02/15/08  
Event: CONTINUED SETTLEMENT CONFERENCE; REVIEW  
RE VISITATION

Related cases NOT on this calendar: CV35614 ,  
PLNTFF: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
CUS.PAR KEESEE, SARAH M. ATTY: WEISBERG, MICHAEL ESQ  
Service Date/Type: 02/22/08 MAI 00/00/00  
DEFNDT: BENITES, BRIAN J. ATTY: BORDEN, MARK ESQ  
Service Date/Type: 03/20/08 SUB 00/00/00

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and  
their legal counsel if represented, are ordered to appear.

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